

Supplement to the Bombay Gazette.

VOLUME II.]

SATURDAY, AUGUST 14, 1830.

[NUMBER 30.

Advertisement.

APPPLICATION having been made to the Supreme Court of Judicature at Bombay that Letters of Administration of the Estate and Effects of THOMAS SAUNDERS late a Color Sergeant in the Military Service of the United Company of Merchants of England, trading to the East Indies on their Bombay Establishment deceased, may be granted to MARTIN WEST Esquire, Registrar, of the said Court, all persons concerned therein, are hereby apprized thereof.—Dated this 12th day of August 1830.

Advertisement.

APPPLICATION having been made to the Supreme Court of Judicature at Bombay that Letters of Administration of the Estate and Effects of FRANCIS PELLY deceased, late a Lieutenant in the Military Service of the United Company of Merchants of England trading to the East Indies on their Bombay Establishment, may be granted to MARTIN WEST Esquire, Registrar of the said Court, all persons concerned therein, are hereby apprized thereof.—Dated this 12th day of August 1830.

H. E. SOUTHOSE.
PROCTOR.

For "Pending." DAILY EXPECTED.

THE BRIG
GENERAL BARNES,
OF 210 TONS,
J. L. WOOD,
COMMANDER.

FOR Freight or Passage.—Apply to Messrs. ROBERT TAYLOR and Co.
Bombay, 14th August, 1830.

A CARD.

A EUROPEAN FEMALE, wishing to return to England, will be happy to take charge of one or two Children; or to accompany a Lady, a line addressed A. B. care of the PRINTER, will meet with every attention.
Bombay, 14th August, 1830.

To be Let.

THE Upper part of a house, No 4 in Military Square, For particulars apply to Messrs. JAMSEJEE JEJEEBHAY AND CO., at their office in the Fort.
Bombay, 14th August, 1830.

THE NEW BOMBAY LITHOGRAPHIC PRESS

ALL orders for Work and Letters addressed to the PROPRIETOR of the above Press, are received and punctually attended to, by Mr. RIGBY at the Gazette Office.

For Sale.

AT THE GAZETTE OFFICE,
THE
BOMBAY Register and Di- Rs. gr.
rectory for 1829 | 30.... 5 "
Articles of War..... 5 "
Ship's Articles on Royal Paper... 2 "
Book Almanacks for 1830.... 2 "
Sheet Ditto, for 1829..... 1 "
Respondentia Bonds, each..... 1 "
Policies of Insurance, do..... 1 "
Bills of Exchange, per sett..... 2 "
Interest Bonds, do..... 2 "
Bills of Lading, do..... 2 "
Powers of Attorney, each..... 2 "
Price Currents, per doz..... 3 "
**LETTER PRESS AND COPPER
PLATE PRINTING,** neatly executed on moderate terms.

CALCUTTA.

SECOND CALCUTTA LOTTERY OF 1830.

Sixth Day's Drawing; Wednesday, July 21,

PRIZES.

Nos. 2881 1872 and 3266 Prizes of 500 Sa. Rs. each.
Nos. 3849 3430 and 4509 Prizes of 250 Sa. Rs. each.
Nos. 3013 454 3046 280 2078 4697 1669 2477 1836 2743 2923 612 694 291 488 2770 4836 4355 4250 3779 1240 2460 88 114 3365 1311 1063 873 4547 4433 1395 3409 4599 219 and 191 Prizes of 100 Sicca Rs. each.

Government Securities.

TO BUY.] JULY 21, 1830. **[TO SELL.]**
Prem. 28 8 Remittable..... 27 8 Do.
Dis. 0 6 Old 5 per Cent. Loan. 0 12 Dis.
Pre. 0 2 New ditto ditto..... 0 3 Dis.
4500 2 Bank of Bengal Share 4300 0

BANK OF BENGAL RATES.

Discount on Private Bills..... 7 0
Ditto on Government Bills and Salary Bills 4 0
Interest on Loans on Deposit..... 6 0

COTAGE OF EXCHANGE.

BUY.] CALCUTTA. **[SELL.]**
1 10 On London 6 Months } 1 10 1/4
sight, per Sa. Re. }

SHIPPING REPORT.

ARRIVALS.—July 19th, H. C. Ship Ernaad, A. Corstorphon, from Masulipatam 11th and Vizagapatam 14th July.
Do. 21st H. C. S. Vessel Irrawaddy, C. H. West, from Amherst Town 12th July.
Passengers per Ernaad, from Masulipatam.—Mrs. Colvin and Child; Miss De Gange; J. H. Colvin, Esq. B. C. S.
From Madras.—Lieutenant Dias, Madras Army; Mr. Holman, the Blind Traveller.
From Vizagapatam.—Colonel Edwards, Madras Army; twenty three Soldiers, five Women, and nine Children, from Madras.

DOMESTIC OCCURRENCES.

MARRIAGES.—At Calcutta, on the 19th July, at the Cathedral, by the Revd. Thomas Robertson, John Campbell Dick, Esq. of the Civil Service, to Francis Maria Nugent, second Daughter of George Udny, Esq.
At Calcutta, on the 12th July, at the Cathedral by the Reverend W. Eales, Mr. John Parsons, Assistant in the Adjutant General's Department, to Mrs. Ann Kinnard, of Calcutta.
BIRTHS.—At Calcutta on Saturday, the 17th July Mrs. A. Kirkpatrick, of a Son.
At Barrackpore, on the 9th July, the Lady of Lieutenant J. R. Talbot, 59th Regiment Native Infantry of a Son.
DEATHS.—At Calcutta, on the 15th July, Mr. G. J. Paul, aged 19 years and 8 months.
At Kamoulie near Benares, on the 11th July, of Apoplexy, Francis Lawrence, Esq. aged 63 years.
At Dacca, on Monday, the 12th July, Mr. Francis Doucett, aged 47 years.
At Comillah, on the 11th July, of the Spasmodic Cholera, Mr. John Lawrence Baptista, aged 29 years.
At Comillah, on the 13th July of the Spasmodic Cholera, Mr. Henry George Leicester, aged 25 years.

MADRAS.

Government Securities, &c.

Remittable..... \$1..... Premium.
Old 5 per Cent. 29..... Do.
New Ditto..... 4..... Do.
Exchange..... 1 9. per Rupee.

SHIPPING REPORT.

ARRIVALS.—July 31st, Ship Atlas, F. Allen, from Mauritius 13th July.
Do. Ship Fanny, W. Currie, from Bombay 18th July.
DEPARTURES.—July 30th, Bark Swallow, W. Adam, for Eskapilly and Calcutta.

DOMESTIC OCCURRENCES.

BIRTH.—On Sunday Morning, the 1st Instant, the Lady of F. W. Russell, Esq. of the Bengal Civil Service, of a Daughter.
DEATH.—On Board the Ship "Atlas," Capt. Francis Allen, bound to the Mauritius, on Friday the 28th May 1830, the Rev. Richard William Moorson, Junior Chaplain at the Presidency of Fort St. George.
"He lived respected, and died lamented."

BOMBAY.

EXCHANGE, &c.

On London..... at 6 months sight 1 9
Bengal..... at 30 days sight, 100 per 100
Madras..... at 30 days sight 104 per 100

BAZAR VALUE OF COMPANY'S PAPER.

Remittable notes 140 Bombay Rs. per 0 0 Sa.

Unremittable ditto 107 ditto per 0 0 ditto
Notes of the present 5 per Cent Loan opened at Bengal on the 18th August 1825, selling at 108 Bombay per 0 0 Siccas.

PRICE OF BULLION.

Spanish Dollars..... 100 per 223 B'by Rs
German Crowns..... 100 per 213 Ditto.
FRIGHTS.
London..... Per Ton £ 5. 5.
China..... Nominal.

THE GAZETTE.

SUPREME COURT.

TUESDAY, AUGUST 10TH.

At the Sitting of the Court this morning the Foreman of the Grand Jury informed the Court that they had received three Bills against Captain Hawkins for Piracy in having carried away certain persons as slaves from the Coast of Africa, and that before they took them into consideration they were desirous to hear from the Court an explanation of the law concerning that offence.

The Chief Justice replied that in compliance with their request he should endeavour to afford them the best explanation in his power of the statute on which the Bills now before them were framed, and on what points they ought to be satisfied before they brought any one within its penalties. The statute which they had to consider was the 5th of his present Majesty, Cap. 113, which is styled an act to amend and consolidate all the laws relating to the abolition of the slave trade. The first section of the act repealed all previous enactments relating to the slave trade and the exportation and importation of slaves, save as the act itself confirmed them. Except, therefore as it might assist them in understanding the scope of the statute which embodied all the law on the subject, it was unnecessary to bring any of the repealed acts to their notice. But as he should have occasion to request their attention to a recent decision in the Court of Admiralty in a case very likely to afford them instruction in an inquiry like the present, he should remind them of the state of the law as it stood under the 47 Geo. 3d; Cap. 111 a 96 with reference to which statute the case he had alluded to was decided. The first act for the abolition of the slave trade passed on the 25th of March 1807.

In the preamble of that statute it was declared that from the 1st day of May the African slave trade and all manner of dealing in the purchase, sale, barter or transfer of slaves, or persons intended to be sold, transferred, used, or dealt with as slaves practised or carried on, to or from the coast of Africa was utterly abolished and declared unlawful; and if any of his Majesty's subjects should deal, trade in, purchase, sell, or barter or transfer, any slave, or any person, to be dealt with as a slave he should pay a penalty of 100 £ for every such offence, and Vessels fitted out or used for the purpose thus declared unlawful, became forfeited.

It was also declared unlawful to fit out or procure to be fitted out, or to be concerned in the fitting out of any ship for the purpose of being employed in the African slave trade or in any of the concerns declared unlawful and every ship so fitted out was forfeited. And it was further declared to be unlawful to carry away, or remove or procure or aid in the carrying away as slaves, or for the purpose of being sold, used or dealt with as slaves, any of the inhabitants of Africa or of any Island or Place in the West Indies or other part of America not being in His Majesty's Dominions either immediately or by transshipment at sea from Africa or other place as aforesaid to any other place whatever.

And also to receive detain or confine on board any such inhabitant as aforesaid for the purpose of his being so carried away or removed or of his being sold, transferred or dealt with as a slave in any place or country whatever. Vessels employed in such removal, or employed for effecting any of the above unlawful purposes were forfeited.

And every one who as Owner, Shipper, Factor, Captain, Mate, Supercargo, and Surgeon, should unlawfully carry away or remove, detain, confine, tranship, or receive on board for any of the above unlawful purposes any such inhabitant, or assist in so doing was made liable to a penalty of 100 £ for each person so carried away. Slaves so carried away to any colony or any place in His Majesty's Dominions and sold or detained in slavery were forfeited to His Majesty. They would perceive when he read to them the late act of parliament that the law had been changed in little save in degree of punishment. What was declared to be unlawful in the act he had just referred to, is declared to be unlawful in the only statute now in force. What was then punishable by Penalty and forfeiture may

still be so punished; but the offenders are declared to be Pirates and felons, so that a person may be sued in the Admiralty Court for the Penalty or in the Criminal Court for his life.

Whilst the recollection of the act he had mentioned was fresh in their minds he would request their attention to a case decided by Lord Stowell in the year 1822. On appeal from the Court of Vice Admiralty at the Isle of France. They would derive much assistance from his Lordship's remarks in giving his judgment, and in noting the tests by which he judged whether certain individuals were; or were not in a state of slavery. The case is that of the Woodbridge, Mannings reported in Haggard's Admiralty Reports. The Woodbridge, Captain Mannings arrived at the Mauritius in the month of January 1819, and was seized by Captain Purvis of H. M. S. Magicienne upon information that eight blacks, who had been taken into the employment of the Ship at Madagascar were slaves. Proceedings were originally instituted against the Ship and cargo but the libel which was framed upon the 46. Geo. 3 C. 52. and 47 Geo. 3 C. 36. was amended and the cargo was released. There had been a Decree of Restitution of the Ship to Mannings the Claimant but without costs and damages, from that Decree he appealed the result of the case was that the judgment of the Court in the Mauritius was affirmed, the Court pronounced against the appeal and condemned the appellant in 130 £ nomine expensarum. It was for the line of argument pursued by Lord Stowell in pronouncing his judgment that he had brought the case to their notice. His Lordship observed that.

This was the seizure of a British ship by an officer of the Royal navy who in that Capacity was specially authorized to make seizures of a similar description, it was the seizure of a ship having on board persons supposed to be slaves or dealt with as such. It appears that Mr. Mannings the Captain and owner of this Merchant vessel being desirous to avail himself of the Premium offered to all Persons importing asses or mules into the Mauritius, went thence to the Port of Muscat in the Red Sea where he took on board a Cargo of those animals and set sail on his return, in the course of his voyage he was compelled to put into Madagascar; there the vessel was found to be not navigable with the hands she had on board, her crew having been reduced by Sickness. Captain Mannings thereupon consulted the masters of two other Merchantmen then lying at Tamatavie who were unable to afford him the assistance he required, but recommended him to apply to the Sultan of Tamatavie, and the result of this application was, that eight men were sent on board the Woodbridge; how or in what manner they were procured does not appear, but there certainly was no Contract with them for wages or otherwise on the part of Captain Mannings with these Persons on board, the vessel sailed for Calcutta whence she proceeded with a Cargo to the Mauritius, and was there seized by Captain Purvis for a supposed violation of the Abolition Laws.

Here observed Lord Stowell is a very simple issue of fact, whether these eight Persons were aboard this ship in such a capacity of slaves as constituted the offence against the statute cited in the second article of the libel. This statute enacts that all manner of dealing and trading in the Purchase, Sale, Barter or Transfer of Slaves or Persons intended to be sold, transferred, used or dealt with as slaves that may be Practised or Carried on in at to or from any part of the Coast or Countries of Africa shall be utterly abolished, prohibited and declared to be unlawful; and also that all manner of dealing, either by way of purchase, sale, barter, or transfer, or by means of any other contract or agreement whatsoever relating to any slaves, or to any Persons intended to be dealt with as slaves for the purpose of such slaves or Persons being removed or transported either immediately or by Transshipment at Sea or otherwise is in like manner utterly abolished and declared to be unlawful.

It is impossible not to see that these are Terms of great extent of possible application, and such as would require from any Court a very deliberate and inquisitive attention to any Case of fact that appeared to approach the limits within which the Penalties were to be let loose upon the offender; they were devised by the legislature engaged at that time (as it has been since) in the ardent Pursuit of an effective cure for an evil which is considered as of great magnitude, and conquerable only by a most vigilant and searching Police, looking on all sides and into every artifice by which the mischief complained of might seek to elude the prohibitions of the law. Nothing short of strong constructions of strong enactments could answer the expected purpose; all the avenues to fraud were to be shut up, even those himme-

diate fraud might not be intended in the Particular Case; in short a jealous and inquisitive guard was to be maintained against the possibilities of evil.

Upon the ships' arrival at the Mauritius with eight persons on board bearing the appearance of slaves Captain Purvis seized her. This was on the 27th of January 1819; It is admitted that he was perfectly right in that act, and that he would have deserted his duty if he had not done so, why he did not proceed at that time is quite unaccounted for, he had nothing to do but to apply to the Court for its monition to Mr. Munnings to produce his papers and witnesses to be examined, the Court must have granted that monition, and would have enforced it, though Mr. Munnings does not seem to have had an adequate idea of the authority either of the seizing officer or of the Court. Enough would then have appeared to raise the question of law on which the Court had to decide, whether these persons were there in the capacity of slaves, so as to subject the Captain and owner of the ship and of these slaves to the penalties of the act. The whole matter would have passed without any of those preliminary Proceedings which afterwards served only to waste useful time and to produce useless irritation." After commenting on the delay which had taken place, Lord Stowell continued,

Now what would have appeared if Captain Purvis had proceeded in the first instance? These facts—that the men in question were sent on board without any contract of their own for wages or for any thing else; and, indeed, without any consent on their own part. They came in ignorance, and under false representations given and without any assurance which they could rely on that they were ever to be brought back to Madagascar; or what was to become of them. Upon the Papers and their evidence, it would have appeared that they were made free and received manumission from Captain Munnings on the voyage, thereby admitting on his part most decidedly that they came on board not in a state of freedom, and likewise, that being not in a state of freedom they must have been the slaves of Mr. Munnings; for otherwise how could he have the Power of Manumitting them? Nobody but their owner could do that. What circumstances could carry them nearer to the condition of slaves than these—when they entered the Ship without their consent, to be obliged to give their labour without any Pay, and without any certainty about their future destination, it is impossible for a man to describe a more servile state than such circumstances as these compels, if a Lord's evidence had been called in (to whose testimony I see no objection) it would have appeared that these certificates and entries had been prepared with dates that did not belong to them, but were better accommodated to the safety of the Transaction. What was there to be opposed to this? why, first, that they were to work only as Sailors, and did only so work. Surely they were not the less slaves on this account, if they were slaves at all. A slave may work like a Sailor as well as in any other capacity implying manual labour. Men do not take slaves to sit with their hands before them doing nothing, but to be profitable by their labour, one way or other, by land or water, indifferently. Next it is said that they were treated as *Lascars*, in food, clothing, and employment. What does that prove? These men could not be served, nor kept, I apprehend, cheaper than *Lascars*. *Lascars* are not over voluptuous feeders on board a Ship. As to clothing, hardly less could be afforded for the sake of mere decency; and the employment must of necessity be the same. But they were permitted to go ashore! And so, I imagine, slaves would occasionally be, especially in a country where they were totally ignorant of the language, and therefore not very likely to escape. But, I repeat, that so long as these men continued to be obliged to give their labour without any consent of theirs, so long they continued slaves, if slaves they came on board. Again, it is said that at Calcutta there is a strict police, and the matter must have been strictly examined there. How so? Supposing the general police to be strict, it does not appear that there was any examination of these men; there is no copy of any proceedings of any Court, or under any authority, nothing appears but the mere fact that the ship escaped there; as she did afterwards at the Mauritius. It was after leaving Calcutta that Alford acquired his information, which was not till then possessed.—Supposing as the fact was that Alford's testimony was not in Captain Purvis' possession on the 27th of January, still there was quite enough to bring the question of law before the Court, whether the taking these persons on board, though under the plea of existing necessity, and for the sole purpose of navigating the Ship did not bring Captain Munnings's transaction within the terms of the penal prohibition, under the strict construction which seems expected to be applied to this class of Statutes. Why Captain Purvis released the Ship on the 27th of January—I am quite at a loss to conceive.—In all probability, as far as I can collect from the terms of the learned Judge's sentence, his Judgement upon the matter of restitution would have been the same, but with an indemnity to Captain Purvis for the expenses of the proceeding; for to that he would clearly have been entitled, as nothing vexatious could be objected against him."

In conclusion Lord Stowell observed respecting the Restitution of the Ship which had

been decreed to Munnings the claimant, and concerning which Captain Purvis had appealed.—"The counsel estimate the real merits of the question very differently from what I do, when they represent this question as one that was placed out of all doubt, and could not be seriously contested.—For I must say, that looking at the terms of the statute, and recollecting the sort of construction which is required to be applied to them, I should have thought that this question if it had come originally before me—imposed upon me the duty of giving it a very grave and deliberate consideration. I do not say that I might not have ultimately acquiesced in the same conclusion, for I do not mean to impugn the Judge's sentence; but, weighing the facts of this case, and attending to the principle which I have stated, that though the intention of Captain Munnings might be perfectly innocent, yet the transaction was one which, being permitted, might open a door to transactions of a different nature, I might have hesitated before I ventured to unlock that door. It is admitted that the case was most highly proper to be brought before the first Court; and the party was not perfectly justified in reserving to himself the right of resorting to a second opinion, can be doubted by none who have attended either to the case itself, or the terms in which the first opinion was delivered."

In the above case they had the opinion of one of the greatest lawyers in modern times on a state of facts which as far as they went seemed to bear a general resemblance to the case that would come before them. There the Court of Admiralty had to decide this question. What in the Eye of the law was the situation of Eight African men found on board a British Ship who had been taken on board on the Coast of Africa, and of whom it could not be proved that they had voluntarily entered into the service, or that with them any contract had been made; they had heard the tests by which that case was judged, how compatible in his opinion was a state of Slavery with being employed as a sailor; and occasional going on shore with continuance of Slavery; that subsequent manumission was a conclusive proof of former slavery in the slave, and of ownership in him who set free, and that no state can be more servile, than one of unwilling labour and uncertain in its duration. And yet it was impossible that any case could occur which admitted of more exculpation than the above. The ship had sailed with a large complement of men 61 in number. It was never contemplated to add to their number by obtaining Africans, the object of the voyage was lawful, the Destination free from suspicion; and it was the urgent necessity of the case which compelled her to put into Madagascar, her crew being reduced from 61 to 10 in number. Even then before resorting to the Sultan of Tamatave, application was made to two Captains of Merchants who could not or would not assist her, and only then application was made to the Sultan, and the men obtained, and yet, notwithstanding all these circumstances, it was matter of grave doubt in the opinion of Lord Stowell whether these facts did not constitute an offence under the 47, Geo. 3. He would by no means apply to the criminal provisions of the 5, Geo. 4, that liberal construction which his Lordship said was required; that observation was made, when the heavy penalties of Death and Transportation were not attached to the offence. There could be no latitude of construction to take away life or liberty. On the contrary it was a fundamental Rule that whenever any ambiguity arises in a statute, introducing a new penalty or punishment the decision shall be on the side of lenity and mercy; and as had been justly observed, it is more consonant to principles of liberty, that the judge should acquit whom the Legislature intended to punish, than that he should punish those whom the legislature meant to discharge.—The same words in a statute would bear different interpretations according to the nature of the suit or prosecution instituted upon them. As by the 9, Anne. c. 14. the statute against gaming. If any person shall lose at any time or sitting 10. £ and shall pay it to the winner, he may recover it back within three months, and if the loser does not within that time, any other person may sue for it, and treble the value besides. So where an action was brought to recover back fourteen guineas which had been won and paid after a continuance at play, except an interruption during dinner, the Court held the statute was remedial, as far as it prevented the effects of gaming without inflicting a penalty, and therefore, in this action, they considered it one time or sitting; but they said, if an action had been brought by a common informer for the penalty, they would have construed it strictly in favour of the defendant, and would have held, that the money had been lost at two sittings. 2 B. L. Rep. 1226.—and note to 1. B. C. Com. p. 88.

The next change in the law was effected by the 51st Geo. 3rd c. 23 by which all persons carrying on the Slave trade or any way engaged therein were declared to be felons. It would not yield any instruction to them if he dwelt on that act, as it was no longer in force; along with all the preceding enactments it was repealed by the 5 Geo. IV. c. 113 to which statute, he must request their attention. It was an act drawn up with great care, ample in its provisions so as to embrace all possible situations or combinations by which its efficacy might be avoided.—It followed the plan of 47 Geo. 3 in declaring at the outset what shall be illegal,

and referred to that Declaration when the object of any particular act was alluded to. It was first declared that it shall not be lawful except in such special cases as are there in after mentioned for any persons to deal or trade in, purchase, sell, barter, or transfer Slaves or persons intended to be dealt with as slaves or to carry away or remove slaves or other persons, as or in order to their being dealt with as Slaves or to import or bring them into any Place whatsoever or to ship, tranship, embark, receive, detain or confine them on board of any Ship or Boat for the purpose of their being carried away or removed as or in order to their being dealt with as Slaves, or to fit out, man, navigate, equip, despatch, use, employ, let or to let to freight, or on hire any Ship, Vessel or Boat, in order to accomplish any of the objects which have been declared unlawful; or to lend, or advance or become security for the Loan or advance of money Goods or Effects employed or to be employed in accomplishing any of such objects, or to become security for Agents employed or to be employed in accomplishing any such objects, or in any other manner to engage or to contract to engage directly or indirectly therein as a partner, agent or otherwise, or to ship, tranship, lade, receive, or put on board, of any Ship, Vessel or Boat, money goods or effects, to be employed in accomplishing such objects, or to take the charge or command, or to navigate or enter and embark on board of any Ship, Vessel or Boat, as Captain, Master, Mate Petty Officer, Surgeon, Supercargo, Seaman Marine or Servant, or in any other capacity, knowing that such Ship, Vessel or Boat is actually employed or is in the same voyage or upon the same occasion in respect of which they shall so take the charge or command, or navigate or enter and embark or contract so to do as aforesaid intended to be employed in accomplishing such objects, or to insure any slaves or any property, or other subject Matter engaged or employed, in accomplishing any of the objects here-before declared unlawful.

In all the above instances the contracting to do what is declared unlawful or assisting therein is declared to be equally illegal as the act itself.

In the 10th Section of the act is enacted that,—

If any subject of his majesty shall, upon the High Seas, knowingly and wilfully carry away, convey or remove any person or persons as a slave or slaves, or for the purpose of his or their being imported or brought as a slave or slaves into any Island or place whatsoever, or for the purpose of his or their being sold—used or dealt with as a slave or slaves, or shall knowingly ship, receive, detain, or confine on board any ship—vessel or boat any person or persons for the purpose of his or their being imported or brought as a slave or slave into any Island or place whatsoever, or for the purpose of his or their being sold or dealt with as a slave then such person so offending shall be deemed guilty of Piracy, &c.

In that clause there are five separate offences contemplated, all of which are made Piracy.

1st To carry away or remove any person as a slave.

2d To carry away or remove any person for the purpose of his being imported or brought as a slave into any place whatsoever.

3d To carry away or remove any person for the purpose of his being sold or dealt with as a slave.

4th Knowingly to receive or detain on board any ship any person for the purpose of his being imported or brought as a slave into any Island or place whatsoever.

5th Knowingly to receive or detain on board any ship any person for the purpose of his being sold or dealt with as a slave.

To constitute the first offence the person carried away or removed must be carried away as a slave; To constitute the second the person must be carried away for the purposes of being imported or brought some where as a slave; he need not be carried away as a slave, but of the purpose of carrying him away they must be satisfied. Therefore to carry away a freeman with that purpose would constitute the 2d offence.

To constitute the third there must be a different purpose in carrying him away namely to sell or deal with him as a slave.

To constitute the fourth the receiving or detaining on board must be for the purpose of his being imported or brought somewhere as a slave.

To constitute the 5th, the receiving or detaining must be for the purpose of his being sold or dealt with as a slave.—And all of the above offences must be committed within the Admiralty Jurisdiction.

The next section of the statute enacted that it shall be felony.

To buy or sell slaves or persons intended to be dealt with as slaves.

To carry away or remove slaves or other persons, as or in order to their being dealt with as slaves.

To import or bring into any place slaves or other persons as or in order to their being dealt with as slaves.

To ship or detain or confine on board of any ship slaves or other persons for the purpose of being carried away or removed as or in order to their being dealt with as slaves.

To ship or tranship slaves or other persons for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves.

To fit out, or let any ship for any of the objects declared unlawful.

To advance money for such purpose.

To become Guarantee for agents employed in accomplishing such unlawful objects.

To contract as a Partner in such contracts as have been declared unlawful.

Knowingly to ship, or receive on board money or goods to be employed in accomplishing those objects declared unlawful.

To command or navigate, or enter any ship as Captain, Master, Mate, Surgeon, or Supercargo, knowing that it is employed or intended to be so employed in accomplishing &c.

To insure slaves or property so employed.

To forge any certificate &c. or utter the same, such certificate &c. being required by the act. And those guilty their procurers, aiders or abettors are declared felons, and may be transported for 14 years or kept to hard labour for not more than 5 years or less than three years at the discretion of the Court.

One important alteration in the law was effected by that statute; the offence was made no longer to depend on the Country from which a Slave was carried. It was declared to be equally illegal from all places except where expressly provided for by the act. They would also observe that in the 13th Section it is enacted, that nothing in the act contained shall be taken to prevent the employment of Slaves in navigation in numbers not greater than those usually employed in navigating such Ship or Vessel. It could not be inferred from that permission that slaves might be purchased for the purposes of navigation, were it so the act might with impunity be evaded. It must be taken to allude to cases where slaves are lawfully possessed and employed as they are in the West Indies. That permission nevertheless was necessary as all shipment of slaves was prohibited by the act. They could not do wrong, however in satisfying themselves of the usual Complement of men, in the ship in question. They would observe that in the Section where slaves are condemned as prize, his Majesty is enabled by order in Council to enable such persons as he shall appoint to enlist them in the Military, Marine and Naval Services for a period not greater than seven years which destroyed the supposition, could it seriously be entertained that Slaves might legally be purchased and carried away for the purposes of navigation. There had been too much experience lately of Crimes committed within the Admiralty Jurisdiction of this Court, and the requisites of the Crime of Piracy had been too often explained to them, to make it necessary for him again to describe them. But any question they might propose the Court would willingly answer. He had only further to observe that before they could find a Bill for the first offence they must be satisfied that the person carried away, was carried away as a slave, they must therefore satisfy themselves concerning his condition at the time of Removal. If at that time he was in a state of Slavery, and being so was transferred by his Master and carried away without any consent of his own. He feared that they could have no doubt as to their finding. With respect to coming voluntarily on board, a point which they would probably have to consider, their own discretion would best guide them, taking all the circumstances into consideration, the situation and age of the party, his capability of understanding what was said to him, his knowledge of what he was doing, and with whom he was going and whether there was such a medium of communication between the parties as they considered satisfactory. In all cases within the act he thought the purpose was most important, although, strictly speaking the mere purchase of a Slave even for the purpose of immediate manumission was an offence within the statute, though widely different in guilt, and this for very apparent reasons; the principal object of the legislature was to discourage the traffic, to prevent the dealing in slaves being an object of profit to any one; it was therefore made unlawful to purchase a slave, as it was made unlawful to purchase a person for the purpose of his being dealt with as a slave. With respect to all the Cases where the purpose for which a slave was carried away formed part of the offence, they would consider that in the eye of the law all men are intended to purpose that which they do, till the contrary be shown and if they should find that a country where slavery prevails, was visited without necessity or object, and that persons in a state of slavery were purchased and received on board a Ship, and carried away in a state of unwilling and constrained servitude or were so detained or shipped as in the different Terms of the act, he feared that in the eye of the law it must be considered that they were so received, or detained for the purpose of being dealt with as slaves. He had only now to impress upon them the absolute necessity of banishing from their minds all that they might have heard concerning the particular circumstances of the case coming before them. They were too well acquainted with their duties to make it necessary for him to remind them of what Rules of Evidence they must keep in mind in examining witnesses, but they would remember, that the same law of evidence ought to prevail in a Grand Jury Room, as in that Court, that in either hearsay Evidence was totally inadmissible, or secondary evidence of that which was capable of higher proof. They

would readily believe that he could not but feel pain that an explanation of the highly penal clauses of an act for the abolition of the slave trade, should for the first time become necessary by such a charge as the Bills now before them presented, being brought against an officer high in Rank in an Honorable Service; such a conjunction the most speculative could never have foreseen, but their feelings of regret that ought of such a nature should be connected with one belonging to a service, whose dearest care had been to repress this traffic and to whom the Legislature had always assigned that honorable task, must not, and would not prevent them from performing firmly their duty, however painful it might become, of dealing with the case as it should stand in evidence and be declared by law, with as constant a mind as if it were one of ordinary occurrence and the accused totally unknown and undistinguished.

THURSDAY, 12TH AUGUST.

The Sessions terminated yesterday shortly before 2 o'clock, it had been expected that the Bills found by the Grand Jury (five in number) against Captain John Croft Hawkins Commander of H. C. Sloop of War Clive for Piracy, would have come before the Petit Jury, but in consequence of Captain Hawkins' absence from Bombay, further proceedings for the present are suspended.

We have been requested to give the following, insertion in our paper, as being the substance of what fell from the Foreman of the Grand Jury on their coming into Court on Tuesday Morning last to receive some Bills.

"He trusted the Court would allow him in reference to the observations that had been made by the Bench on the Presentment of the Grand Jury being handed up, on the 2d Inst. to take that opportunity of offering a few words of explanation in respect to that Presentment.

He begged that the Grand Jury might not be supposed to complain in the slightest degree of those observations, which had been received by them with the deference and respect that was due to every thing that fell from the Court, but as, it might be inferred from the tenor of a part of them that the Grand Jury had stopped short of the full extent of their duty on that occasion; they were anxious that the ground of their decision in regard to the nature of their Presentment should be correctly understood by the Court and the Public. The Grand Jury felt that the investigation in which they had been engaged was one of a very grave and important character, and on which they were very unwilling to take upon themselves the responsibility of an Indictment in the first instance, particularly as some of the Transactions that had come to their knowledge seemed to involve questions of Law, on which they could hardly be expected to form a sufficiently correct Judgement to authorize their making such a Presentment as would serve as instructions to the Officers of the Crown to draw an Indictment, against the party or parties implicated thereby. The Grand Jury thought therefore that their best and safest course, and the fairest also towards the public and the individuals who had borne a part in the transaction was to make such a presentment to the Court as should render further inquiry under its authority certain, and that the matter passing as it would then do into the ordinary channel of inquiry, through the Police Magistrate would be freed from all those objections to which the Grand Jury considered a departure from the ordinary course on this occasion would be liable. The Foreman then assured the Court that if the Grand Jury had supposed that either the ends of Justice could be defeated, or the interests of individuals be injuriously affected by their not going further than they had done in their presentment, they would not have been backward in the performance of whatever further duties circumstances might have imposed on them.

The Chief Justice observed in reply, that he had never meant to complain of the Presentment but to explain the circumstances which made further proceedings necessary."

The following paragraph from the Bengal Hurkaru of the 23d July, is deserving of attention.

The Bombay Courier received yesterday, contains a paragraph respecting Sir John Grant. It is confidently rumoured, that a despatch has been received by the Supreme Government from that Learned Judge, of a very extraordinary nature. We have heard some of the particulars, and shall endeavour to obtain some further information on the subject in the course of the day, for more than one copy of the despatch has, we dare say, reached the Presidency."

Early yesterday morning a most horrid Murder was perpetrated by a Private of H. M. 20th Regiment at the Main Guard. It appears that whilst a Sergeant of the name of Conlay of the same Regiment, was sleeping on his Cot, the unhappy man went up to him, and placed his musket close to the Sleeper's side and then discharged it; two Balls entered together, but came out on the opposite side in different places, the poor man lived but for a few minutes. The Private is secured.

ARRIVAL

ARRIVALS.—Ensign J. Russell, 4th Regt. N. I.

DOMESTIC OCCURRENCE.

DEATH.—At Colaba, on the 12th Inst. the Infant Son of Captain Bolton, H. M's. 20th Regt., aged 2 Months.

English Extracts.

THE EAST INDIA COMPANY'S CHARTER.

The New Monthly Magazine for March.

(Concluded.)

Having disposed of the financial part of the question, we will now inquire whether the monopolists of the East have better grounds for asking a renewal of their charter, in a political view. They are maintained in their corporate capacity by the money dragged out of the pockets of the poor, in the shape of a tea-tax, and that corporate capacity enables them to bestow wealth upon their own creatures to the amount of 500,000*l.* annually. The force of legislative enactments to prevent the sale of the Company's patronage is kept up; but what difference does it make to the Country, whether a patron provides for a son or brother, obliges an influential friend, or receives a money-bribe for his favour? Under the present system, the community has but little interest in the matter; but, supposing it were otherwise, and the public had reason to care about it, would it not feel that the man who buys his writship, or whatever it may be, is quite as likely to do his duty as the dolts who are sent out under the pure patronage of the "Honourable Court?" We can never, however, allude to this subject, without pointing to Mr. Williams Wynne's conduct during his Presidency of the Board of Control, as an example of disinterestedness worthy of imitation. That able and honest statesman has done all that lay in his power to improve the breed of aspirants after wealth who go out to India, by rendering attainments the necessary qualification for the appointments he had to bestow, to the great surprise of all persons connected with Indian affairs, who were never before aware that any such qualification was essential for public officers in that quarter of the globe; those who sent them out, and those who went out, having only one object in view, that of gaining as much wealth out of the territory as they could by any means collect. Mr. Wynne certainly gave a new feature to East Indian appointments, and his conduct will be remembered with grateful respect, when the Company and their creatures, with all their official malversation, are sunk into their original insignificance.

The truth is, India has always been regarded as a fair object of plunder for the directors and their friends, and all their operations have tended to one object, the enriching themselves through the medium of those possessions; and their constant endeavour has been to keep the good things of the East as much to themselves as possible, without the slightest regard to the improvement of the territory, or rendering it beneficial to this Country. The first measure of their policy has been exclusion, upon the old maxim—"the fewer, the better cheer." We repeat, the small amount of stock held by the Directors, many of them only possessing enough to qualify them for the direction, is decisive of the fact that the patronage is the object covered. Would there be such anxiety shown to obtain a share in the direction, merely for the sake of looking after a paltry thousand pounds? The patronage is a triple star; the opportunity they thus enjoy of providing for connexions, surrounds the "Honourable Court," at every vacancy, with anxious candidates for admission to its golden privileges. The operations of this patronage are at direct variance with any measure for the improvement of India, and consequently for making her serviceable to England; and until the East India Company is destroyed, the old cumbrous machine entirely broken up, it is vain to hope for any real amendment taking place in the condition of our Eastern possessions, or any solid advantage being derived from them by the mother-country. Until colonization be established there, and the English language, manners, and customs introduced there, which would necessarily succeed colonization, commercial enterprise must be checked, and the old restricted demand for goods continue; because the source must be inevitably narrowed by the huckstering transactions of the Company, if it be retained as a Government, under the most modified circumstances. —Communion for that purpose cannot safely be held with it. If the Company possess only the shadow of a shade of power, the prospects of India will be blighted, and her value to England continue to be deteriorated. The individual now at the head of affairs, as is to his other splendid qualities, personal experience in India affairs. He need not be told colonization would consolidate his Country's connexion with her Eastern possessions; he knows full well the vast markets, the inexhaustible demand it would open to British capital and energy, now pressed for employment in every quarter of the globe, by which the resources of India, and the power of England in that country, would be simultaneously increased to a degree almost beyond calculation. He must, from his personal knowledge, be aware, that by an unrestricted policy being extended over the territories of this Country in Asia, new mart

may be formed for British commerce in the heart of that continent, and the productions of the East exchanged for the manufactures of the West, with mutual advantage to both.

The first conquerors of India even set the Company an example of prudence in bringing their language into use there; but that and every other measure of discretion has been neglected, that restriction might be the more easily retained. The introduction of the English language and manners, and every other object calculated to confirm the British power in the East, have been studiously avoided, because they would interfere with that system of monopoly and extortion that have formed the corner-stone of the Company's government there. Every inlet by which improvement, or more enlightened measures of policy, might enter, has been vigilantly guarded; and exclusion in politics, in commerce, in society, and in every occurrence of life, sedulously acted upon. It has, virtually, been an object with the mercantile governors of India to retrograde, if it were possible, rather than proceed, in order to keep the spoil in their own hands. The present "Honourable Court" has lighted upon evil days for the pursuit of its praiseworthy object. Monopolies are now at a ruinous discount, and we apprehend the notable one under our notice must share the fate of its fellows.

We had almost forgotten to notice the regard of the Directors and their friends for their countrymen. They apprehend, that if the tale were thrown open, it would bring extensive ruin upon commercial men by the wild speculation that would in consequence be entered into. This is thoughtful, undoubtedly, but it comes with rather a bad grace from those who, if the monopoly ceased, would lose 500,000*l.* a-year in patronage. The Vauxhall Bridge Proprietors, during the last Session earnestly petitioned Parliament not to allow individuals to ruin themselves in the erection of a bridge at Lambeth. The apprehensions of both parties sprang from the same cause. The bridge proprietors cared not one farthing if every one of the subscribers to the Lambeth bridge, with all their property, were sunk under their own arches; and the advocates for the East India monopoly would regard the ruin of the free-traders to India with about as much concern. The veil is much too flimsy; and contemptibly as we think of Leadenhall-street intelligence, we did believe there was more tact and address to be found there, than for such cant and hypocrisy to be suffered to issue from hence; when all the gloomy forebodings of ruin attendant upon the partial opening of the East India trade, have been proved by experience to be as false as they were selfishly intended. In 1813, when this half measure took place, we were told that no new channels of commerce could be opened with the East Indies, and that inevitable ruin would be entailed upon those individuals who might pursue such an object. The augmentation of the trade, and the new channels explored by the private trader, are the best answers to the time-serving croakers who anticipated only mercantile losses and disappointment. But supposing individual ruin were in many instances to occur, is that any reason for abandoning a great measure of commercial policy? It is more or less the case in the commencement of all commercial undertakings. The first duty of the Government in the management of its commercial relations, is to open new markets for the capital and enterprise of the Country, now so extensively pressing for employment; and if in the completion of this statesmanlike policy individuals suffer from their own indiscretion, it is no fault of the government; it is not bound to find prudence in the management of trade. If it open new and valuable channels of commerce, as it will shortly have the opportunity of doing, in the British possessions in the East, it will have done its duty, and it may safely leave the individual destruction that is to ensue to the sympathizing care of the then *ci-devants* of Leadenhall-street, who will be relieved from the cares of Government, and have time to attend to the misfortunes of their fellow-subjects, whose embryo losses they so feelingly deplore.

FRANCE AND THE BOURBONS IN 1830.

(From *Le Globe*.)

We are now at last approaching the term of the lamentable polemical contest in which we have for these eight months past engaged. Our Parliament is about to open, and Royalty must meet the country face to face. All good men have looked impatiently forward to this event; for there is nothing more humiliating to a great nation than to have every morning to foresee or to defeat the follies of a power at once menacing and despicable. Such an existence is a life of hazard—that is to say, of anguish and disorder, of distressing illusions, and of bad passions. Feeling our destiny to depend upon the turn up of a die, which some weak or wicked hand may at any moment cast, men become accustomed to dream of chances, to calculate the means of defence, and soon after of attack. Nothing is so near to fear as sedition, and nothing so much tends to mischief as contempt of authority.

To say nothing of the loss of eight months for our glory and power abroad, and for the enlightened administration of our affairs at home, a loss always irreparable, is not the corrupting disquietude created in society by the mere accession of such a Ministry sufficient for its condemnation?

This was on the first day, the first cry of every voice. Men looked far beyond the mere questions of constitutional mechanism on which parties might be about to play their game. Royalty was felt to be struck at and compromised. The phrase "1688

and the Stuarts" then resounded; and in fact, since the period of the 8th of August, the dispute for Royalist or for Liberal, has existed and does exist solely on this great and awful idea.

The phrase is perhaps bold, but it is sincere. When we cherish no after-thought and venture to intermeddle in the affairs of our country, it is fit to put aside all vain precautions and to speak frankly. There are sorrows and dangers enough in civil warfare, dangers and depravity enough in the intrigues and conspiracies which lead to the overthrow of a throne, not to make us dread to foresee such a state of things, and yet to make us look at the chances, and, above all, to make us endeavour to induce those to look at them who may be able to avert the evil. The Parliament and the King alone possess this power. It is, therefore, to the Parliament and the King that we address ourselves along with all good citizens, to induce them to consider what at present is the relative situation of Royalty and France.

For our part we are of opinion that all the crisis through which we have passed since 1814, the present is without contradiction the most decisive for the House of Bourbon. It is, to reckon rightly, the fourth attempt at counter-revolution. It is curious and profitable to observe what part the nation has performed in all these rash experiments—how it has been progressively instructed and strengthened, while the party which is dragging down royalty with itself has been misled and weakened;—how at every counter-revolutionary effort the same melancholy and fatal idea of the separation of the throne and the country has presented itself, but on each occasion gathering strength, accepted by a greater number of minds; at first concealed as secret intrigue or feeling of hostility afterwards disclosed in public as an opinion, and thus proceeding, until, if Heaven avert it not, and if the old enemies of liberty still proceed farther, this opinion will become the resolution of a party with popular assent. However, all men so ardently desire tranquillity and the security of their interests, that on every occasion when royalty separates itself from those who compromise it, and takes the slightest step in the way of a return towards the nation, that moment the hope of fixing the fate of the Bourbons with a future liberty revives. It is natural to calculate on all the advantages derivable from their old hereditary succession, the real goodness and facility of character which endeared them to our ancestors: men flatter themselves with pleasing plans of a slow and peaceful reform which shall reduce royalty to its true station,—namely, that of reigning without governing; a situation in which the Prince is withdrawn from the storms of popular disapprobation and the struggles of Parliamentary majorities and minorities. No one, we apprehend, will deny the tendency of men's minds to incline alternately, according to the danger or the security of the charter,—to a change of dynasty or to the maintenance of the reigning family. It has appeared at every crisis which we at present can call to recollection. Let it should be doubted, let us try to sketch, in a few words, and with perfect candour, the picture of these crises. If we do not truly describe the flux and reflux of the national opinion, we are open to contradiction.

Whoever has lived 30 years in France must recollect under what circumstances the Bourbons returned. They were forgotten or disregarded by their contemporaries. The new generation knew nothing of their existence, and did not even know their names. The victories of foreigners smoothed the path for them, either in consequence of offended national pride, or the restlessness of old animosities revived by fear, storms, and wars, between the country and the party which was to arise under the protection of their name were foreseen. There was a moment of hesitation and alarm; but another danger still more pressing operated on the national. There was no longer any head to the empire. The son of Napoleon was still in the cradle, and that cradle had for its protector an Emperor of Austria. The Bourbons were of our own blood: the Senate of the empire, degraded as it was, spoke of condition and of liberty. The same sentiments were expressed by the legislative body which had given vent to the first sigh for the misfortunes of the country. It was known that conditions would be agreeable to the head of the family. He was described to us as instructed by misfortune, enlightened by study and the spectacle of English liberty, and proud of all our recent glories. The liberal opinions of this Prince at the commencement of the revolution were recollected. Promises reached us from all quarters, and the alarm, without being dissipated, was calmed. The declaration of St. Ouen, the author of the charter, though it appeared offensive to pure theory, completed the half conversion of France. Louis XVIII. began with some favour a reign which he dated back 25 years, in memorial of legitimacy; but around this legitimacy, which few comprehended, but however was admitted as an innocent pretension, there soon arose a cloud of grotesque and insolent legitimacies, the mere recollection of which is farcical—the old noblesse, the emigrants, court robes, the ante-chamber dignities of Versailles, corporations, the clergy, La Vendee, and the Chouans! It was variety, avidity and vengeance in full cry. Some insulted our new warriors; others wrapped themselves up in the pride of their caste, and looked with disdain on citizens whom they had but lately courted. In some quarters they established themselves as conquerors in a country divided by civil war, and surrounded themselves with peasants guilty of the most atrocious crimes. All demanded, and even took, what they called their property,—feudal rights, tithes, places, pensions, decorations, titles. They soon stifled some favourable presages. The nation trembled. At that time, animated with one spirit, still warm with the life of the empire, and possessing the control of public affairs and of the army, she with an immense power, surrounded a throne almost foreign. Indignation seized her. A favorable wind brought back her Emperor. Notwithstanding the resentment caused by his wars, his tyranny, and the danger of an invasion, yet he was received as an avenger, as a liberator, as the man of the people and of the revolution. The counter-revolution had, by its follies, baptized him First Consul and Child of the Republic. A second time flight carried the Bourbons to foreign camps. Thus, for having offended, not with their own hands, but with the hands of their friends the national feelings,—for having threatened the rights ag-

At Paris the Society of the Press, composed of the principal citizens, animated and directed the public feeling; but without any after-thought without any other object than prevailing by the union and concentration of efforts. The spirit of the Charter extended itself. It gradually spread through the provinces, which were still paralyzed by the trembling at the violence of 1815. It triumphed in the elections. Suddenly

A TALE OF THE SPANISH WAR.

“ Et qui fecere, et qui facta aliorum scribere multi
laudentur. — SALEUST.

It was during the exterminating warfare which characterized the invasion of Spain by the French, that a small body of Courassiers, detached from the main division, had halted for the night at a village called Figueras. The appearance of this company was to the poor inhabitants a source of disagreeable anticipations, actuated as they were by natural antipathy to a domineering foe, and by anxiety for the little property acquired by the toil of congregate years. "What ho!" cried the leader of the soldiery, as he stopped before the gate of the manse, "the only house in this hamlet that appear capable of affording any tolerable accommodation; Open your doors, or, by my valiant Sovereign, all your Ave's will not profit you." and as he spoke he struck the portal with his sword, as if to prove his threats would speedily be enforced, if a ready acquiescence were not accorded to his mandates.

"Now are you satisfied?" he inquired.
 "Now are your ungenerous doubts resolved?"
 "Yes!" replied the French; "and here we pledge to you, good fathers, Cup succeeded where we failed. As elated soldiers, delighted with their superior entertainment, sought to take advantage of their present favourable quarters." "Believe me," stammered out a jovial Lieutenant, "we will ever prove grateful for the kindness we have experienced, and mayhap, I may secure in exchange for this Sauterne, a lovely girl of mine, the beautifuls Louise."—"A poor excuse," retorted another,—"nothing so true as wine, nor so foolish as woman."—"When our royal eagle waves over the entire land,"

MISCELLANEA.

name. THE CHANCES OF LIFE.—The present Count Diebitsch-sabakiansky's father was an officer of such distinguished talent, that Frederick the Great, a short time before his death, appointed him on his personal staff as extra-adjutant. After Frederick's demise, he occupied the post of garrison major at Breslau; and when holding this post, was one day agreeably surprised by receiving a ministerial despatch, addressed to "Lieutenant-Colonel von Diebitsch. In his delight at this unexpected honour, he spread the tidings instantly among his comrades and solicited his commander to make it public on the day's parade; the request was refused, because his superior had received no official intimation of his promotion; and, indeed, it turned out that the whole arose out of a blunder on the part of the office clerk who had directed the despatch. Major Diebitsch, deeming that he had compromised his character with the government, sent in his resignation, left his son to complete his education in the academy for cadets, at Berlin, and entered the service of Russia. He was immediately intrusted with an important command; and his son having received an officer's commission in the Russian guards he wrote to Frederick William III. requesting his sanction to the transfer of his own services to the Russian army, insisting that, as his child had been educated in Prussian military school, the services of the child should be devoted to the Prussian state. Frederick however, refused to sanction with any such stipulation, and the consequence was, that the present Field-Marshal, Diebitsch, who has acquired so brilliant a name during the late Turkish campaign, enlisted under Russian banners. His strategic acquirement, as far as regards theory, were perfected in the military school at St. Petersburg; he rose rapidly from the Guards to an appointment on the staff; though young in years, his talent was so eminent as to entitle him to the grades of Lieutenant-General and Quarter-Master-General in the campaigns of 1813 and 1814; and he became subsequently Adjutant-General to the late Emperor, whose confidence in him had descended to his present successor, Nicholas. So much for the chances which "get the start of this majestic world."—*Foreign Literary Gazette.*

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